



Order Filed on March 13, 2019 by  
Clerk U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY  
COURT  
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-2(c)

Mester & Schwartz, P.C.  
Jason Brett Schwartz, Esquire  
Bar No. 4217  
1333 Race Street  
Philadelphia, PA 19107

In Re:

REGINALD WILLIAM ATKINS,  
  
Debtor

Case No.: 18-23758-JKS

Judge: John K. Sherwood

CONSENT ORDER MODIFYING STAY AS TO MOTOR VEHICLE  
2012 BMW 7 SERIES SEDAN 4D 750XI AWD

The relief set forth on the following pages, number two (2) through four (4) is hereby  
**ORDERED.**

**DATED: March 13, 2019**

A handwritten signature in black ink, appearing to read "JK Sherwood".

Honorable John K. Sherwood  
United States Bankruptcy Court

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Debtor: Reginald William Atkins

Case No.: 18-23758-JKS

Caption of Order: Consent Order Modifying Stay as To Personal Property

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1. The 11 U.S.C. § 362(a) Stay as to Capital One Auto Finance, a division of Capital One, N.A., its successors and/or assigns ("Movant"), with respect to the personal property of the Debtor described as a 2012 BMW 7 Series Sedan 4D 750xi AWD, V.I.N. WBAKC6C50CC395520, in accordance with the agreement of the Debtor and Movant, is hereby modified and shall remain in effect PROVIDED THAT Debtor complies with the following terms and conditions:

(a) To cure the remaining post-petition arrearage currently ripe, due and owing to Movant, Debtor agrees to:

(i) pay through the Chapter 13 Plan the post-petition arrears due through February 28, 2019 in the amount of \$4,259.74; and

(b) Debtor will resume making all future regular monthly installment payments of \$608.69 (subject to changes for taxes, insurance costs and late fees, if any) beginning on March 22, 2019; Debtor will timely make each payment in accordance with the terms and conditions of the loan document between Debtor and Movant.

2. Debtor will remain current on all payments ripe, due and owing under the terms of the Chapter 13 Plan. Debtor will pay Movant as an administrative expense through the Chapter 13 Plan the sum of \$481.00 for attorney's fees and costs.

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Debtor: Reginald William Atkins  
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Caption of Order: Consent Order Modifying Stay as To Personal Property

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3. The term "payment" as set forth in Paragraph 1, *supra*, does not include a check that is returned due to insufficient funds, account closed or is otherwise not capable of negotiation for any other reason.

4. Debtor will be in default under the Consent Order in the event that Debtor fails to comply with the payment terms and conditions set forth in Paragraph 1, *supra*. If Debtor fails to cure the default within thirty (30) days from the date of default, Movant may apply on five days' notice to Debtor and counsel for Debtor and the Chapter 13 Trustee for an order lifting the automatic stay imposed under 11 U.S.C. § 362(a) and permitting Movant to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating and completing a sale of the motor vehicle without regard to any future conversion of this matter to a different form of bankruptcy.

5. In the event Debtor converts to a bankruptcy under any Chapter other than Chapter 13 of the Bankruptcy Code, then Debtor shall pay all pre-petition arrears and post-petition arrears due and owing within fifteen (15) days from the date the case is converted from Chapter 13 to any other Chapter. If Debtor fails to make payments in accordance with this paragraph, then Movant, through counsel, may file a Certification of Default setting forth said failure and Movant shall be granted immediate relief from the automatic stay provisions of Sections 362 of the Bankruptcy Code (11 U.S.C. § 362) and the Movant is then permitted to exercise any rights under the loan documents

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with respect to the motor vehicle including, but not limited to, initiating and completing a sale of the motor vehicle.

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Debtor: Reginald William Atkins  
Case No.: 18-23758-JKS  
Caption of Order: Consent Order Modifying Stay as To Personal Property

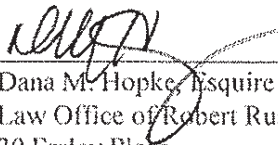
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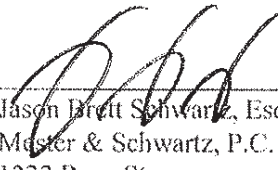
6. Debtor may default and cure the default under the Consent Order one (1) time. If Debtor defaults a second (2<sup>nd</sup>) time, Movant may serve a notice of default in accordance with Paragraph 4, *supra*, but Debtor will not be granted an opportunity to cure the default.

7. The failure of Movant to issue a notice of default will not be construed or act as a waiver of any of the rights of Movant under the Consent Order.

8. Debtor waives the fourteen (14) day stay provided under Rule 4001(a)(3), F.R.B.P.

We hereby consent to the form and entry of the foregoing Order.

  
Dana M. Hopke, Esquire  
Law Office of Robert Rusignola  
30 Farley Place  
Short Hills, NJ 07078  
Attorney for Debtor

  
Jason Brett Schwartz, Esquire  
Mester & Schwartz, P.C.  
1333 Race St.  
Philadelphia, PA 19107  
Attorney for  
Capital One Auto Finance, a division  
of Capital One, N.A.

Certificate of Notice Page 5 of 5  
United States Bankruptcy Court  
District of New Jersey

In re:  
Reginald William Atkins  
Debtor

Case No. 18-23758-JKS  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Mar 13, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 15, 2019.

db +Reginald William Atkins, 624 East Third Avenue, Roselle, NJ 07203-1557

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 15, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 13, 2019 at the address(es) listed below:

Dana M. Hopke on behalf of Debtor Reginald William Atkins rresq@comcast.net,  
dhopkel@comcast.net  
Denise E. Carlon on behalf of Creditor MIDFIRST BANK dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Jason Brett Schwartz on behalf of Creditor Capital One Auto Finance  
jschwartz@mesterschwartz.com  
Kevin Gordon McDonald on behalf of Creditor MIDFIRST BANK kmcdonald@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6